App. F. IX-4

B (47

Previous References.

1947-48

(S. 8)

A

File No. 15-47

Serial Nos. 20, 3

48

Later References.

GENERAL AND REVENUE SECRETARIAT

Serial Nos. three

P. 14.

Preserve

Part B for

SUBJECT

Repairs to road leading Birmy Mill godowns

Notes:—P 1—4
Corr:—P 1—8
} To.

B. W + E. M

S. 8. 10627/ A 15-47-48 30.6.48

R. Rajagopalan Rao
30. 8. 48.

A 13-46-12, 60

1.

6193

Repair charges to the Road leading to Binny godowns

General and Revenue Secretariat | File No. A of 194 | [App. F. III–2

A 15-47-20, 37, B&R

Serial No.

Letter dated the 3rd April, 1948, from the Bangalore Woollen, Cotton and Silk Mills Co. Ltd claiming the repair charges to the roads leading to the Godowns in Binny grounds taken over by the Food Dept for storage purposes.

Minister's minute x x x

1) May be put up with references

sd K C R 16/4

2) The Director of Food Supplies will be requested to send the connected references with his report immediately. A draft letter is put up for approval

Sd/- 23/4 — Sd/- 24/4

Food Secy 24/4/48

Sd/-

Issued No. F.9-8216 dt 24-4-48 to the D. Fs forwarding a Copy of letter dt 3-4-48 from the Bangalore Woollen Cotton & Silk Mills Co. Ltd for a report.

Letter No. dated the 10th May 1948 from M/s the Bangalore Woollen Cotton & Silk Mills Co. Ltd., Bangalore requesting for an early reply in the matter.

Order of the Chief Minister on the above.

1) What action has been taken on the previous letter?

Sd/- K.C.R 20/5

2) Submitted. The report of the reference called for from the D. Fs is still awaited. Pse acknowledge the letter of the

NOTE—Contn. Sheet.

Repair Charges to the approach road to the Rice godowns.

File No. of 194 . | General and Revenue Secretariat

Serial No.

Note.

Note & memo to the D.Js in Secy's opr for appn.

21/5/48 21/5

7) Issue and submit

21/5

8)

Issued No. 10 9690 dt 21-5-48 to the Bangalore Woollen, Cotton & Silk Mills Co. Ltd, Bangalore acknowledging the receipt of their letter & stating that a report is due from the D.Js Co. - Copy to D.Js for early report.

9) Copies of re-submitted for perusal with reference to Para 5 of the Govt Order

21/5/48 21/5

10) for perusal.

Refer. to Mysore minute paper.

Report from the Dist is to come and he has been reminded

21/5

11) Food Secy) please hasten the report

24/5/48

Letter No. Rev.C. 6732/47-8 Dated the 21st May 1948 from the Director of Food Supplies forwarding the report called for on the claims of M/s Bangalore Woollen Cotton & Silk Mills Co. for repair Charges to the approach road to Binny Rice Godowns in occupation of the Food Department.

Repair Charges to the approach Road to Binny Mill Godown.

App. F. III-2

General and Revenue Secretariat | File No. A of 194).

Serial No.	
	12) Submitted Extract from the Council records, obtained from the Director of Food Supplies that two Godowns Nos 40 & 45 belonging to the Binny Mills Godowns were under occupation of the Food Dept for storage purposes on a monthly rental of Rs 200 for each Godown.
	13) Godown No 40 was under the Control of the R.D.Js (Depots) & Godown No 45 under the Control of D.C. Bangalore respectively.
	14) On 21-6-1943, the Mills authorities have preferred a claim for Rs 1485-12-0 from the D.C. Bangalore & R.D.Js (Depots) towards the Charges incurred by them in repairing the damages to the approach road at Binnypet, caused by the Food Traffic.
	15) In the letter dt 10-6-43 to the R.Js, the D.C. Bangalore has stated that on account of the heavy transport with loads the approach road was damaged & that it is reasonable for the Govt to bear the expenses incurred by the Mills authorities for repairing the road & making it motorable.
	16) Both the R.Js & the A.A.O. Food Supplies are of the opinion that the Claim of the Mills authorities is not tenable as payment of rent to a building includes the right to use the roads leading to it, repairs to it must be done borne by the owner.
	17) The point for issue is whether the roads were subjected to reasonable & normal wear & tear or were it subjected to abnormal wear & tear.
	18) The Mills authorities Claim that the roads were subjected to abnormal wear & tear on account of heavily loaded Lorries of the Food Dept.
	19) In the circumstances stated above it is for Consideration whether the Claim may be rejected or accepted in view of the fact that the Mills authorities have loaned the two Godowns to Govt at

NOTE—Contn. Sheet

Repair Charges to Agricultural Land & Sitting Tenancies.

File No. [illegible] of 1948 [illegible]

General and Revenue Secretariat

Serial No.

Considerable inconvenience is likely to be incurred and Expenditure Rs. 14,81,12,0 as a result of occupation of the land by the Army.

In order.

25/5/48

Engrs 20) The opinion of the D.F.S is correct. When a building is taken for rent it always implies the use of the road leading to it. If the road is damaged the tenant cannot be expected to repair the same. The claim of the mill is untenable on any ground and may be rejected. If approved a suitable reply will be sent to the mill authorities.

Refer Ch Ministers minute paras 1 & 5.

25.5.48

4078
1/6/48

21) Food Secy) [illegible]

[illegible]

22) (Chief Minister) 17/6

Chief min

Rea 23/6

4927
18.6.48.

23/6/48

Ofc for opy for appn.

24/6/48

WD 0228—GTB—15,000—8-1-47

Issue

[illegible]

A 15-47.

1

Telegraphic Address:
"WOOLLEN" BANGALORE.

To REGISTERED

From

The Secretary to the Chief Minister,
Minister of Food & Civil Supplies,
BANGALORE.

The Bangalore Woollen, Cotton & Silk Mills Co., Ltd.

Bangalore City 3rd April *1948*.

OFFICE OF THE
CHIEF MINISTER
No. P4.213.
Date....5/4/48....

SECRETARIAT * 16 APR 1948 * FOOD & CIVIL SUPPLIES

Dear Sir,

During the war when space in Bangalore for storing food grains was so limited we loaned to the Director of Food Supplies and the Deputy Commissioner, godowns in our Binnyfields godown area at a rent of Rs.200/- per mensem per godown. We give below details of the godowns rented.

1. To The Director of Food Supplies - Godown No.46 from July 1944 to February 1946.
   - Godown No.40 from June 1946 to April 1947.

2. To The Deputy Commissioner - Godown No.45 from July 1944 to October 1947.
   - Godown No.46 from September 1946 to November 1946.

During the period these godowns were loaned to the Director of Food Supplies and the Deputy Commissioner, the roads leading to them were subjected to abnormal wear on account of the heavily laden food lorries using them. To keep the approaches to the godowns in a useable condition it was subsequently necessary at the beginning of March 1947 to repair the roads which involved us in a cost of Rs.1,485/12/-, for which amount we submitted bills to the Director of Food Supplies in Mysore and the Assistant Director of Food Supplies. We have corresponded with the Director of Food Supplies for over a year in an endeavour to obtain payment of our bills, but his final letter to us, No.B2.C.7571/47-48 dated 22nd March, copy enclosed, emphatically states that he refuses to pay the amount of our bill as he contends that the rent paid for a building is ordinarily expected to cover repairs to the approaches to the building. We agree with this statement but as we have pointed out to the Director of Food Supplies, the roadways leading to the godowns were subjected to abnormal wear due to the departments' very heavily laden lorries. Lorries going into the godown were checked and it was found that a number of them were carrying loads considerably greater than the weight for which they were designed, and few roads would stand up to such treatment without breaking up much sooner than if normal loads were carried.

These godowns were loaned to the Food Department in the interests of the State at considerable inconvenience to ourselves and we consider that the expenses we have incurred as the result of the Food Department's occupation should be met by the Department.

P.T.O.

We should appreciate your taking up this matter and passing orders for the immediate settlement of our bill.

Yours faithfully,

For The Bangalore Woollen [illegible] Co. Ltd.

BINNY & CO., [illegible] LTD.

Amiba

AGENTS [illegible]

P.M.

COPY

GOVERNMENT OF MYSORE

Office of The
Director of Food Supplies,
in Mysore,

No.B2.C.7571/47-48 Bangalore, dated 22nd March 1948.

To

Messrs Bangalore Woollen Cotton & Silk Mills Co.Ltd.,
Bangalore City.

Dear Sir,

Subject: Repairs to the approach Road to the Mill godowns.

With reference to your letter dated 9.3.48 on the above subject asking for the payment of repairing charges on the ground that the road was subjected to obnormal wear on account of over laden lorries, I write to state that the matter has been fully considered in all its aspects and a reply sent on 3rd March 1948 There is no ground for reconsideration.

2. I may add that there is no warrant for the statement that the lorries "were carrying three times heavier than the weight for which they were designed"; the average weight of a loaded lorry being 3½ to 4 tons and that normal use of the road has been made over this road as on other roads.

3. It is regretted that the matter cannot be reopened.

Yours faithfully,

Sd/-

for Director of Food Supplies.

D·24.4.68

G. R. S. App. F. G. 3. No. S.D. 8276 / A 15-44-20.

GENERAL AND REVENUE SECRETARIAT.

Immediate Encl: 1

(*Continuation sheet draft form*).

TYPED 26-4-68

To

The Director of Food Supplies in Mysore, Bangalore.

Sir

Repair charges to the Approach Road to the Rice godowns.

I am forwarding herewith a Copy of letter dated the 3rd April 1968 from the Bangalore Woollen Cotton & Silk Mills Co., Ltd, on the above subject. I am directed to request you to be good as to furnish a report on the claim very early

The Connected references may kindly be sent with your reply.

I have the

Secy to Govt

Food Depts

22/4 23/4 24/4

The Bangalore Woollen, Cotton & Silk Mills Co., Ltd.

Telegraphic Address:
"WOOLLEN" BANGALORE.

Bangalore City 10th May 1948.

No. REGISTERED.

The Secretary to the Chief Minister,
Minister of Food & Civil Supplies,
Government of Mysore,
BANGALORE.

OFFICE OF THE CHIEF MINISTER
No. P 5074
Date 13/5/48

Dear Sir,

Re: Our Bill No.S-43 for Rs.1,485-12-0 towards Repair charges a/c The Director of Food Supplies in Mysore, Bangalore.

We refer to our registered letter of 3rd April 1948 to which we shall be glad to receive an early reply.

Yours faithfully,
For The Bangalore Woollen, Cotton & Silk Mills Co., Ltd.
BINNY & CO., (MADRAS) LTD.

DIRECTOR
AGENTS, SECRETARIES & TREASURERS

Submitted :-
The Firm's letter dt 3rd April 1948 was sent to the Secy, F & C.S. with the following minute by the Chief Minister on 14/4/48 :-
"May be put up with references"

XXX TPR
Secy F&CS what action has been taken on the previous letter 2
Rec 20/5

D.21.5.48

5

G. R. S. App. F. G. 3.

M. S. D 9670

GENERAL AND REVENUE SECRETARIAT.

(Continuation sheet draft form.)

TYPED 21-5-48.

To

M/s. The Bangalore Woollen, Cotton & Silk Mills Co. Ltd.

Bangalore City.

Gentlemen,

Subject:- Bill No. L-43 for Rs 1485:12:0 towards repair Charges to the approach road to the Mills premises.

~~With reference~~ I am directed to acknowledge receipt of your requisition letter dated 3.4.48 & 10.5.48 to the Engr. to the Govt. Chief Electrician on the above subject & to state that a report has been called for from the D.Js on your claims & a reply will be sent as soon as possible.

Your faithfully

21/5

for Engr. to Govt.

M.S.D. 9671

Engr. to the above requisition is a copy of letter dt. 10.5.48 addressed by the D.Js to Govt. Electrician & their letter No. D 8276 dt. 24.4.48 on the subject of the report called for

21/5

A-15- 47 -37. 1a

GOVERNMENT OF MYSORE

Tele {phone: 2231
{grams; Foodsup.

No. B2.C. 6732/47-8
ENCLS. One File.

25 MAY 1948
1096

OFFICE OF THE
DIRECTOR OF FOOD SUPPLIES
IN MYSORE,

Bangalore, dated 21st May *194* 8.

FROM

Sri K. Guru Dutt, B.A.,
Director of Food Supplies
in Mysore, Bangalore.

SECRETARY
25 MAY 1948
FOOD & CIVIL SUPPLIES

Janab A.S. Khaleel, B.A., B.L.,
Secretary to Government, Food Department,
B a n g a l o r e.

SIR,

SUBJECT: REPAIR CHARGES TO THE APPROACH ROAD TO BINNY MILL GODOWNS

6193

With reference to your letter No.SD.8276/A.15-47 dated 24.4.48 forwarding for report a copy of letter dated 3.4.48 received from the Bangalore Woollen Cotton & Silk Mills, Co.Ltd, Bangalore, regarding the above subject, I have the honour to state as follows:

2. Two godowns Nos . 40 and 45 of the Binny Mills ~~Cowodn~~ Godown were occupied on a rent of Rs.200/- p.m. for each godown for storage purposes by the Assistant Director of Food Supplies (Depots) and the Deputy Commissioner, Bangalore District. In April 1947 a bill for Rs.1,485-12-0 was received by the Assistant Director of Food Supplies (Depots) from the mill authorities, purporting to be the charges of repairs in respect of the approach road of Binnypet godowns. Thereupon the Assistant Director of Food Supplies (Depots) investigated the matter in consultation with his Storage Inspector and on inspection of the spot it was found that the road repaired was not the approach road leading to the godown which was under the occupation of the Assistant Director of Food Supplies (Depots) for storage purposes, but leads up to the inside godowns out of which eight godowns were being made use of by the mills and only one by the Deputy Commissioner, Bangalore for storage purposes. The repairs were not effected at the instance of this Department. The matter was reported to this office for orders.

3. The rent for a building includes the right to use the roadway and when a building is engaged as a godown it is to be ordinarily expected that loaded lorries will use the approach road and this

circumstances which is normal and incidental to the use of the building cannot be construed as involving an obligation to repair the approach road. The mill authorities complained that the road was subjected to abnormal wear and tear on account of laden lorries carrying three times heavier than the weight for which they were designed. The lorries were carrying only normal weight of 3-1/2 to 4 tons. The Auditor and Accounting Officer was also of the opinion that the payment of rent to a building includes the right to use the road way and any repairs to it must be borne by the owner. In these circumstances, the request of the mill authorities to pay the charges of repairs has been rejected.

4. I am of opinion that their contention is not tenable.

5. The connected file of this office is enclosed for reference.

I have the honour to be,
Sir,
Your most obedient servant,

DIRECTOR OF [illegible] SUPPLIES

G. R. S. App. F. G. 3.

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

M·S·D·10627 A.C-47—38

M/s Bangalore Woollen Cotton & Silk Mills Co. Ltd

Bangalore

Dear Sirs,

With reference to your letter dated the 3rd April 1948 to the Secretary to the Chief Minister & in continuation of this office letter No. S.D.9630 dated the 21st May 1948 regarding your claim for Rs 1,485-12-0 towards the Charges incurred for repairing the approach road to the Silk godowns, on the ground that the road was subjected to abnormal wear due to Food Department Lorries, I am directed to observe that the payment of rent to the godowns includes the right to use the road way & any repairs to it should be borne by the owner of the Building. Further, the Departmental Lorries are stated to have been carrying only a normal weight of 3½ to 4 tons.

In the above circumstances, it is ~~very much~~ regretted that the said claim for repairing Charges cannot be accepted ~~as it is untenable on any ground~~.

Yours faithfully

for Secretary to Government

M·S·D·10628

Food Records

Copy w.c to the D. Fd. w.r to his letter No. B.L.C. 6932/47-8 dt 21-5-48. The records accompany the r/c

WD 03603—GPB—15,000—8-7-35

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

General and Revenue Secretariat,

No. SD 10627 / A15-47-38

Dated, Bangalore 30.6. 1948

FROM

The Chief Secretary to the Government of His Highness the Maharaja of Mysore.

Food & Civil Supplies Dept.

To

Messrs. Bangalore Woollen / Cotton & Silk Mills Co., Ltd.
Bangalore.

SIR Dear Sirs,

With reference to your letter dated the 3rd April 1948 to the Secretary to the Chief Minister and in continuation of this office letter No. SD.9670 dated the 21st May 1948 regarding your claim for Rs.1,485-12-0 towards the charges incurred for repairing the approach road to the Mill godown, on the ground that the road was subjected to abnormal wear due to Food Departments very heavily laden lorries etc., I am directed to observe that the payment of rent to the godown includes the right to use the road way and any repairs to it should be borne by the owner of the building. Further, the Departmental lorries are stated to have been carrying only a normal weight of 3½ to 4 tons.

In the above circumstances, it is regretted that the claim for the said repairing charges cannot be accepted.

Yours faithfully,

for Secretary to Government
Food & Civil Supplies Dept.

28/6

mss/